

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

George Martinez,

Civil No. 13-cv-1150 (ADM/TNL)

Petitioner,

v.

ORDER

Scott Fisher,

Respondent.

George Martinez, #10827-084, USP Pollock, U.S. Penitentiary, Post Office Box 2099, Pollock, LA 71467 (Petitioner, pro-se); and

D. Gerald Wilhelm, United States Attorney's Office, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415 (for Respondent).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated May 6, 2015 [Docket No. 12], along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. The Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 by a Person in Federal Custody (ECF No. 1) is **DENIED AS MOOT**.
2. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: June 11, 2015

s/Ann D. Montgomery
The Honorable Ann D. Montgomery
United States District Court Judge
for the District of Minnesota